REMARKS

I.   **Introduction**

Claims 1, 3-5, 7-11 and 13 are pending in the present application. Claims 1, 5, 7, and 13 have been amended herein without prejudice. In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II.   **Rejection of Pending Claims 1, 5 and 7-10 under 35 U.S.C. §103(a)**

Claims 1, 5, 7-10 and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,282,668 ("Neudecker") in view of U.S. Patent No. 6,339,806 ("Foster").

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics <u>necessarily</u> flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Independent claim 1 has been amended to recite, in relevant parts, "a detection device for implementing a two-step wake-up procedure including <u>a first step of</u> detecting **at least**

one **predefined signal feature** of a message transmitted on the bus system, wherein the at least one <u>predefined signal feature is assigned to the at least one targeted user</u>, and wherein the detection device initiates **a further step of the wake-up procedure that includes identifying, as a function of a data pattern encoded within the message, the at least one targeted user as an intended target**, the **further step of the wake-up procedure being initiated only after** a preselected number <u>of occurrences of</u> the at least one predefined signal feature of the message has been reached, and wherein the preselected number <u>of occurrences of</u> the at least one predefined signal feature is greater than one." Independent claims 5, 7 and 13 have been amended to recite substantially similar features as the above-recited features of claim 1. As recited in claim 1, 5, 7 and 13, two steps of the claimed wake-up procedure include: a) "<u>a first step of</u> detecting **at least one predefined signal feature** of a message transmitted on the bus system, wherein the at least one predefined signal feature is assigned to the at least one targeted user"; and b) "<u>a further step</u> of the wake-up procedure that includes **identifying, as a function of a data pattern encoded within the message, the at least one targeted user as an intended target**, the **further step** of the wake-up procedure **being initiated only after** <u>a preselected number of occurrences of the at least one predefined signal feature of the message has been reached</u>, and wherein the preselected number <u>of occurrences of</u> the at least one predefined signal feature is greater than one."

In support of the contention that Neudecker teaches a two-step wake-up procedure, the Examiner asserts that Neudecker discloses: a) "detecting a predefined impulse signal feature" (col. 4, 1. 26-30); b) initiation of "a further wake up procedure when the predefined signature feature has been reached" (col. 4, 1. 35-47); and c) "counting the number of impulses including counting the number of impulses greater than 1" (col. 5, 1. 4-15 & 35-47). Taking into consideration the sections of Neudecker cited by the Examiner in support of the assertions noted above, the Examiner's assertions may be fairly summarized as follows: a) each **impulse** of Neudecker is equivalent to the claimed "**at least one predefined signal feature** . . . **assigned to the at least one targeted user**"; b) the counting of <u>the number of impulses</u> which may be greater than 1 in Neudecker satisfies the claimed feature relating to whether "a preselected **number of occurrences of the at least one predefined signal feature** of the message has been reached, and wherein the preselected number <u>of occurrences of</u> the at least one predefined signal feature is greater than one"; and c) the disclosure in col. 4, 1. 35-47 of Neudecker ("[i]f the detector circuits 5 and/or 10 of the bus stations 1, 2, 3, and/or 4 recognize that they have been selected . . . <u>because of the selection telegram</u>, each

detector circuit respectively assigned to the selected bus stations actuates a controllable switch 6") teaches the claimed limitation of "the further step of the wake-up procedure being initiated only after <u>a preselected number of occurrences of the at least one predefined signal feature</u> of the message has been reached." However, not only does the actual disclosure of Neudecker clearly fail to suggest anything even remotely resembling the claimed limitations, but the Examiner's assertions are <u>inherently contradictory</u>, as explained in detail below.

First, to the extent the Examiner is implicitly contending that each **impulse** of Neudecker is equivalent to the claimed "**at least one predefined signal feature** . . . **assigned to the at least one targeted user**," this contention is contradicted by Neudecker: Neudecker clearly indicates that **each impulse, by itself**, has no significance, and it is only **the total number of impulses "I"** which signifies <u>which particular bus stations are to be selected for data exchange</u>. Accordingly, it is clear that **each impulse, by itself**, cannot signify any assignment "**to the at least one targeted user**."

Second, to the extent the Examiner contends that counting of **the number of impulses** which may be greater than 1 in Neudecker satisfies the claimed feature relating to whether "a preselected **number of occurrences of the at least one predefined signal feature** of the message <u>has been reached</u>, and wherein the preselected number <u>of occurrences of</u> the at least one predefined signal feature is greater than one," it is clear that the **counting of the individual impulses "I"** in a selection message of Neudecker **is** the **step for identifying which user is the intended target**. However, in the present claimed limitations, the **initiation** of the **further step** of "**identifying . . . the at least one targeted user as an intended target**" is **preconditioned** on "**a preselected number of occurrences of the at least one predefined signal feature**" being reached. Accordingly, the Examiner's interpretation that counting of **the number of impulses** which may be greater than 1 in Neudecker satisfies "<u>a preselected number of occurrences of the at least one predefined signal feature [being] reached</u>" clearly contradicts the claimed limitations that the **initiation** of the **further step** of "**identifying . . . the at least one targeted user as an intended target**" is **preconditioned** on "**a preselected number of occurrences of the at least one predefined signal feature**" being reached.

Third, to the extent the Examiner cites col. 4, l. 35-47 of Neudecker as teaching "a further wake-up procedure," the Examiner is apparently referring to the actuation of the

controllable switch 6 as the "further wake-up procedure" ("[i]f the detector circuits 5 and/or 10 of the bus stations 1, 2, 3, and/or 4 recognize that they have been selected . . . because of the selection telegram, each detector circuit respectively assigned to the selected bus stations actuates a controllable switch 6," col. 4, l. 35-40 of Neudecker). However, the actuation of the controllable switch 6 has absolutely nothing to do with the claimed limitations that the further step includes identifying . . . the at least one targeted user as an intended target.

As can be seen from the above discussion, the actual disclosure of Neudecker simply doesn't suggest anything even remotely resembling the present claimed invention. To the extent the Examiner cites Foster as teaching "a two step wake-up procedure that includes detecting a signal feature and a further wake-up step of identifying the data pattern of the unique address encoded within a message (col. 3, l. 67 – col. 4, l. 4)," the Examiner is apparently referring to the statement in Neudecker that "controller 101 transmits a start bit over primary I^2C bus P, followed by the unique address of expander 103" (col. 4, l. 1-3). However, the teachings of Foster simply do not remedy the above-noted deficiencies of Neudecker as applied against the present claimed invention. To the extent the Examiner may be implicitly arguing that the start bit is equivalent to the claimed "at least one predefined signal feature . . . assigned to the at least one targeted user," this contention is clearly incorrect: the start bit, by itself, has no association with any "one targeted user," and only the unique address is assigned to the targeted user. In any case, there is simply no suggestion in Foster that the initiation of the further step of "identifying . . . the at least one targeted user as an intended target" is preconditioned on "a preselected number of occurrences of the at least one predefined signal feature" greater than one being reached; instead, in Foster the single start bit is simply followed (as a matter of course) by the unique address of the expander. In addition, there is simply no indication in Foster that the start bit and the unique address are sent in different steps, let alone detected by the expander in different steps.

For at least foregoing reasons, the overall teachings of Neudecker and Foster simply cannot support the obviousness rejection of claims 1, 5, 7 and 13, as well as dependent claims 8-10. Withdrawal of the rejection is requested.

III.   **Rejections of Claims 3, 4 and 11 under 35 U.S.C. §103(a)**

Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Neudecker in view of Foster and in further view of U.S. Patent 5,581,556 ("Ohie"). Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Neudecker in view of Foster and in further view of U.S. Patent 4,730,251 ("Aakre"). It is respectfully submitted that the combination of Neudecker, Foster and Ohie does not render unpatentable pending claims 3 and 4, and that the combination of Neudecker, Foster and Aakre does not render unpatentable pending claim 11, for at least the following reasons.

Claims 3 and 4 depend on claim 1. As discussed in connection with parent claim 1, the combination of Neudecker and Foster fails to teach or suggest all of the features of parent claim 1. Furthermore, Ohie fails to remedy the deficiencies of Neudecker and Foster as applied against parent claim 1. Therefore, dependent claims 3 and 4 are allowable over the combination of Neudecker, Foster and Ohie.

Claim 11 depends from claim 7. As discussed in connection with claim 7, the combination of Neudecker and Foster fails to teach or suggest all of the features of parent claim 7. Furthermore, Aakre fails to remedy the deficiencies of Neudecker and Foster as applied against parent claim 7. Therefore, dependent claim 11 is allowable over the combination of Neudecker, Foster and Aakre.

Conclusion

In light of the foregoing, Applicant respectfully submits that all of the pending claims 1, 3-5, 7-11 and 13 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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